

MINUTES
Braam Oversight Panel
SeaTac Red Lion, Rainier Room
SeaTac, WA
September 26, 2006

Panel Members: John Landsverk (Chair), Jeanine Long, Jan McCarthy, Jess McDonald, Dorothy Roberts

Plaintiffs' Attorneys: William Grimm, Casey Trupin, Tim Farris, Bryn Martyna

Assistant Attorney General: Steve Hassett

Others: Cheryl Stephani, Ross Dawson, Deborah Purce, Maureen Marcenko, Steve Norsen, Tim Hunter, Ken Taylor, Lee Doran, Paula Duranceau, Wanda Flesher, Mark Nelson, Steve Baxter, Daniele Baxter, Paula Moore, Scott Swaim, Nancy Dufraine, Ginny Heim, Chris Trujillo, Linda Mason Wilgis, Keith Talbot, Cristina Limpens, Lyn Craik, Lonette Dominguez, Vickie Stock, Theron Dixon, Tamara Darst, Russell LaFontaine, Gwendolyn Lawson Townsend, Bill Kettering, Paolo Maranan, John Morse, Jim Theofelis, Gilda Lyons, Rick Brumfield

Note: The minutes are a general summary of discussion and do not attempt to document every comment.

The meeting was called to order at 9:10 am.

Overview of Recent Activities

John Landsverk noted that the Panel has recently issued a decision on the Children's Administration Revised Compliance Plan and has published its second Monitoring Report. Both documents are available on the website. He also stated that the Panel had shared a new draft of the professional standards with the parties for comment.

John indicated that the Panel's next meeting will take place on December 12, 2006. The third Monitoring Report will be issued in February 2007.

Compliance Plan

John Landsverk stated that the Settlement Agreement includes a provision under which the Children's Administration submits a plan detailing how it will achieve compliance with actions determined to be incomplete in Panel monitoring reports. Children's Administration submitted a Compliance Plan in May 2006, and plaintiffs submitted comments. The Panel issued a decision on June 22, 2006, in which it determined that the Compliance Plan was unacceptable. Children's Administration submitted a revised plan on July 14, 2006.

The Panel issued a decision on the revised Compliance Plan on September 5, 2006. In this decision, eight additional action steps were found to be complete, and compliance plans were approved for 11 action steps. However, the Panel found compliance plans for 3 action steps to be incomplete:

- Action Step 1(c)(4), pertaining to respite care- The Panel has requested that CA policy reflect that access to respite in emergency situations or to prevent placement disruption should be open-ended, and should not be subject to funding limitations.

- Action Step 1(c)(9) (reducing caseload size to COA standards) and 4(c)(1) (monthly visits to families, children and caretakers)- The Panel has requested that the timetable for phase-in of these action steps should be linked to the Department's schedule for office visits by COA. John Landsverk noted that because both of these action steps relate to COA standards, these policies should be in place by the time of the COA accreditation office visit. Aligning the phase-in schedule with the timetable for accreditation visits would accelerate the process of fully implementing these measures. Jess McDonald noted that significant work has been done by CA in this area, and that they are very close to completing these steps.

Cheryl Stephani expressed appreciation for the opportunity to work with the Panel during the compliance planning process, and noted that technical assistance from the Panel was helpful in understanding the Panel's expectations. She indicated that CA would submit a formal response on the three outstanding action steps.

Bill Grimm asked whether offices where COA visits have already taken place have maintained 18:1 caseloads. He also asked whether the Panel is expecting the caseload size to be an average figure, or to be calculated for each worker. Jess McDonald noted that generally COA examines caseload by individual worker, but that there is some consideration for caseload size variations when an office is temporarily short-staffed. With respect to whether offices have maintained the 18:1 caseload ratio, Dorothy Roberts noted that COA accreditation would not be considered a replacement for the Panel's own monitoring efforts. Jan McCarthy noted that the Panel intends to add a benchmark to the Implementation Plan to monitor caseload size on an ongoing basis.

John Landsverk noted that the Panel will need to consider a number of issues related to revision of the Implementation Plan, and intends to discuss these issues in more detail at the next public meeting on December 12. Steve Hassett inquired about the joint letter in which the plaintiffs and the Department proposed consolidation of several action steps, and John indicated that the Panel would provide a response as soon as possible.

Monitoring Report #2

John Landsverk noted that the Panel's second Monitoring Report, published on 9/20/06, differed from the earlier report in two key ways:

- The second Monitoring Report provides more specific commentary on actions steps the Panel has found incomplete, including further information on what the Panel will expect to see in a compliance plan.
- The second Monitoring Report includes baseline data drawn from CA administrative sources.

John referred to the summary of action steps at the beginning of the Monitoring Report, and noted that to date the Panel has found the following:

- 19 action steps have been completed
- 5 action steps are complete through the performance period evaluated
- 11 action steps are incomplete and are under approved compliance plans
- 12 action steps are incomplete; compliance plans are due 30 days after the second Monitoring Report
- 8 action steps are pending a decision related to potential consolidation with other steps.

John Landsverk referred to the baseline data section of the report and the related appendices. He noted that he, Roxanne Lieb, and data staff at the Washington State Institute for Public Policy had worked with CA on the technical details of producing the data. All data are verifiable by the Panel, and the Panel has been able to discuss the “rules” used to produce the data. He noted that the Panel is striving to ensure all data are credible and accurate.

John referred to the appendix summarizing the availability of data. John indicated that the Panel has not necessarily approved the delays in data delivery, but that the Panel recognizes that there are data limitations and is working with CA to determine how to collect needed information. John noted that data may need to be distilled and summarized in future reports to make it more useful for a range of stakeholders.

Jan McCarthy noted that there are several different types of proposals regarding how to address data that is not currently available, and the Panel needs to discuss and make decisions in these areas. As an example, the Panel discussed the mental health measure requiring urgent services within 2 hours and emergent services within 24 hours. Because the time a service is requested or delivered is not collected by the Mental Health Division, these data are not currently available. As a result, the Panel is faced with the decision of whether to alter the language of the outcome to fit with available data, or require the Department to implement mechanisms to generate the data. Jess McDonald stated that he has serious concerns about altering expectations due to missing data. Jeanine Long indicated that the Department should be monitoring this standard, since it is included in mental health contracts. Jan McCarthy noted that this dilemma is much broader than just this example, and the Panel will need to struggle with these issues.

Bill Grimm asked whether the Panel is confident that the data accurately reflect practice in the field. John Landsverk answered that the Panel, based on verification through WSIPP, is confident that the data reflect what is shown in the computer system. However, the data are only as good as what is entered into the computer. Bill asked whether CA has a process to audit administrative data to determine how accurately it reflects field practice. Cheryl Stephani indicated that the Department’s case review process may accomplish some of this, but it is not designed as a data auditing process. Jess McDonald commented that the more data are used, the better the data recording will become. John Landsverk noted that data related to payment (such as placement moves) will be the most reliable. While administrative data do have limitations, the closer one gets to actual observation of practice, the more expensive, complicated and time-consuming the process of collecting data becomes.

John Landsverk stated that, in some areas, baseline data reveals very low or high performance. The Panel has reserved the right to adjust benchmarks in these areas, but there are diverse opinions among Panel members on this issue. For example, baseline data show that 15% of children received a CHET screening within 30 days of entering care. The benchmark requires this indicator to be at 90% in FY06 and 95% thereafter. Jan McCarthy noted that there are different opinions for how to approach this and whether to adjust the benchmark. She added that there are indicators (such as children placed with at least some siblings) for which the opposite scenario is true—current performance is high, such that it is mathematically impossible to improve by the amount required by the benchmarks.

Bill Grimm noted that the plaintiffs' comments on the Monitoring Report had raised concerns about the CHET indicator. He asked whether the Panel had confidence in these data. John Landsverk noted that there are two kinds of bias in data: random bias, and bias in one direction or another. He noted that random bias is inevitable and unquestionably exists in all administrative data, but that the Panel has no reason to believe there is any other bias.

Lee Doran noted that data of this sort often undercount the number of children who have received a particular service. Bill Grimm noted that, unless the Department provides evidence that this is an undercount, the Panel needs to declare the Department's performance in areas such as CHET and EPSDT unacceptable and require immediate action by CA in these areas. John Landsverk noted that the Panel struggles with the fact that there has been a lot of work done on action steps in these areas, much of which was implemented more recently than the period reflected in these data.

Steve Hassett asked what process the Panel used to establish the specific benchmarks in the Implementation Plan, and Jess McDonald noted that the 90-95% is modeled after the expectation for most CFSR measures. Steve suggested that it might make sense to consider how long a given policy has been in place when establishing benchmarks for compliance. He suggested transition approaches under which the Panel would look, for example, at percentages of the CHET completed in 30-45 days, rather than looking at less than 30 days only. Deborah Purce suggested using interim benchmarks, under which the ultimate goal of 95% would not be lowered, but performance expectations in the intervening years would be adjusted downward. She indicated that performance goals would be more useful if they were viewed in the field as being attainable. John Landsverk agreed that there are many different ways to look at performance. For example, the Panel could examine the difference between current performance and the eventual expectation of 95% compliance and require 1/5 of that gap to be reduced each year.

Jess McDonald referred back to the CHET measure, and noted that since it is a COA standard to screen children within 30 days of entry into placement, this policy should be fully implemented in offices that have undergone COA accreditation visits. He wondered why the Panel would even consider changing the expectations without a better understanding of why current performance is low. Cheryl Stephani agreed that additional analysis needs to be done and stated that CA is working to build a foundation for sustainable change. She noted that there's little time to analyze performance issues because there are so many measures, and she commented that if everything is a priority, then nothing is a priority. Wanda Flesher, stakeholder, indicated that her experience has been that statewide policy is not fully followed at every office. Cheryl Stephani stated that CA is building infrastructure to support consistency across the state.

John Landsverk asked plaintiffs whether they'd be willing to look at measures in 2 categories—those that could reasonably be adjusted, and those that are so fundamentally important that any adjustment of expectations would be unacceptable. Casey Trupin noted that the Department has been on notice for some time about the need to improve in a number of these areas. He indicated that plaintiffs would need to discuss and respond to John's question. Tim Farris stated that the discussion was very speculative, and that it was important to have a better understanding of why there is such low performance in so many areas. Jess McDonald asked whether the CHET issue had been discussed with individual regions and offices, particularly since it is required under state law. Cheryl Stephani noted that CA conducts

discussions with regions on a number of topics related to performance and policy implementation, but she was not sure about this particular issue.

Jan McCarthy stated that the discussion of what is being done to improve performance is important, and there is a need to link action steps to outcomes. Dorothy Roberts agreed that an understanding of current performance is relevant to the question of whether or not a benchmark should be changed. Casey Trupin commented that plaintiffs always understood that if there was a good reason to modify the benchmarks, then these changes would make sense. However, without knowing why performance is where it is, it's difficult to contemplate such changes.

Case Review

Maureen Marcenko, University of Washington School of Social Work, provided an overview of the case review process. The case review is being used to gather data on several measures for which administrative data will not be sufficient.

Maureen indicated that they have nearly completed data collection on the first indicator, which examines whether the child's initial placement has the capacity to meet the child's needs. Maureen provided an overview of the process being used to collect that information, noting that reviewers were examining administrative data, the case record, and CAMIS information available prior to the first placement. She referred to a handout showing the screen on which reviewers collect information to note placement reason and the types of training completed by foster parents. For this indicator, records are being reviewed by the CA case review team. Maureen stated that the complexity of collecting information for this indicator would make it difficult to include stakeholders. Instead, a representative of the School of Social Work had shadowed case reviewers and would be surveyed about the credibility and integrity of the process.

Dorothy Roberts asked what criteria were being applied to determine whether the foster parent's training is sufficient to meet the child's needs. Maureen replied that the reviewers were looking for training that was relevant to the child's needs identified through referrals, investigations, etc. She noted that, because this indicator examines the initial placement, there is often a lack of information. The next portion of the case review process will look at re-placements.

Jan McCarthy asked whether the data would capture exactly what type of training was missing in situations in which the foster parent's training was shown to be inadequate to meet the child's needs. This might help inform what training should be offered. Maureen indicated that a report could be created showing children's needs for cases in which the placement was determined not to be an appropriate match.

John Landsverk commented that it is important to understand the set of rules being applied to make determinations in the case review, so that these could be replicated by the Panel or stakeholders.

Maureen indicated that she would be randomly selecting the cases for review, so there would be no selection bias. In addition, she said two reviewers would be examining the cases and she

would be looking at interrater reliability. John Landsverk stated that Maureen will need to review a sample of cases herself to ensure validity.

Jess McDonald questioned Maureen about how SAY training and the presence of a safety plan would be regarded in this process. Maureen responded that SAY/ PAY is a different indicator, and the complete rules for that review process have not yet been developed. Jess asked how Maureen is ensuring that the case reviewer was not exercising his/ her own opinion to overlook some relevant information in the file. Maureen responded that this could not be guaranteed, but that the process of having a second review and looking at interrater reliability provides safeguards against this. Jess asked whether this would be a select group of reviewers or whether different staff would participate over time. Maureen indicated that this is still under discussion as CA identifies staff resources for the case review process. Jess asked for information on the credentials of the CA case reviewers. Maureen indicated that these staff have experience through the CA case review process in conducting record reviews. John Landsverk said that it would be important for the Panel to know who these staff are, how they have been trained, and what is being done to preserve independence and promote consistency. Jess stated that the group of reviewers should be a steady team, and that the Panel needs to know exactly who these staff are and what credentials they have. He indicated that they should attend Panel meetings, and noted that this process needs to be very clean and conflict-free to ensure credibility of data.

John Landsverk requested that Maureen provide a detailed plan for the case review, including how cases are selected, who is conducting the review, what information will be collected and how decision rules for each indicator will be applied.

Foster Parent Survey

John Landsverk noted that John Tarnai, who is leading the foster parent survey project at Washington State University, was not able to attend the meeting. He referred to a written report submitted by WSU, which summarized progress with respect to the survey. Since the last meeting, WSU convened an advisory group to provide guidance on the foster parent survey. The group met for the first time at the foster parent conference in Spokane on September 18, and includes one foster parent from each region, a youth representative, and representatives from the ombudsman's office, Children's Administration, and the Panel.

Steve Baxter, Foster Parent Association of Washington State, noted that he had attended the meeting and had assisted in recruiting foster parents for the group. He indicated that the process is going well, and is a good opportunity to draw on foster parents' extensive experience. Steve noted that there had been some question of how to handle private agency foster parents. John Landsverk indicated that this population is quite large and their experiences are very important to the Panel. Ross Dawson agreed and stated that the lists of foster parents sent to WSU would include private agency foster parents. He indicated that CA would notify contractors of the survey.

John Landsverk stated that WSU had recruited foster parents from around the state to participate in focus groups to test the survey. These groups will take place in October.

Youth Presentation

John Landsverk stated that the Panel was pleased to have the opportunity to hear from youth who are or have been in foster care. He stated that the Panel had not yet heard this very important voice, and he welcomed three youth from the Mockingbird Society and one youth from the Children's Administration Youth Advisory Board. The youth thanked the Panel, the plaintiffs' counsel and the Department for the opportunity to speak.

The youth discussed their experiences in foster care. They expressed concerns including: frequent placement moves, frequent school changes, stigma at school, being treated differently than other children in foster homes and at school, feeling unwanted and unconnected, being separated from siblings, feeling unsupported in group home placements, and being mistreated by foster parents while in care. Recommendations included: providing youth with their own stipend on a monthly basis, expanding the hub-model such as that implemented by the Mockingbird Society, ensuring that siblings are kept together, expanding mentoring programs and educational advocacy programs such as Treehouse, offering mediation programs to resolve disagreement with foster parents, helping youth prepare to age out of the system by strengthening the focus on independence, transition, and permanency. Other issues discussed included mental health services (one youth discussed her very positive experience with counseling); educational issues (several youth stated that placement moves and changes in schooling had led to falling far behind in school); the need for permanent connections and relationships; caseworker contact and stability (youth had varying experiences; one youth had a stable ongoing relationship with a caseworker, other youth stated that they had frequent changes in social workers, were not in touch with caseworkers, or felt misled by social workers); involvement in court processes (in general, youth did not feel that they had opportunities for involvement at hearings); and relationship to delinquent services (several of the youth had been in detention).

The youth indicated that they were interested and willing to provide additional information to the Panel as needed on an ongoing basis. One youth stated that it is important for the system to provide meaningful opportunities for youth involvement that go beyond simply sharing stories of experiences in care. Another youth recalled the passage of HB 2002 and stated that it was valuable to feel as if she had contributed to improvement for youth in foster care, and she would appreciate having the opportunity to participate in this way in the future.

Professional Standards

John Landsverk noted that the Settlement Agreement calls on the Panel to establish professional standards, which could be used in the event of enforcement proceedings. He noted that the Panel has had significant discussion of which standards should be adopted. As outlined in the preamble to the document circulated to the parties, the Panel has selected Council on Accreditation (COA) 8th edition standards, and has not included goals and outcomes from the settlement, statutes, or standards set by the Child Welfare League of America (CWLA) or the American Academy of Pediatrics (AAP). Jan McCarthy noted that although they are arranged in the six goal areas of the agreement, the Panel intends the standards to be seen as a whole. She reiterated that the Panel has given extensive consideration to including standards and statutes. John noted that part of the reason for adopting COA standards is that CA is in the process of seeking COA accreditation. Steve Hassett noted that the Department had advocated for this approach, and appreciates this consistency.

Casey Trupin asked whether sections in bold in the document should be considered standards. The Panel indicated that they should be, and Casey recommended that this be clarified in the document.

Bill Grimm indicated that plaintiffs believe that CWLA and AAP standards do add significantly to the body of standards available through COA. In particular, he advocated for inclusion of AAP standards. He commented that COA standards are weak in the area of health, and that AAP is the appropriate professional body to create standards in the area of children's health and mental health. Jan McCarthy noted that the current document is a draft, and stated that plaintiffs could provide specific recommendations regarding AAP standards in writing to the Panel. Bill indicated that they would do that, and that some additional COA standards may be recommended as well.

Bill Grimm questioned the Panel's statement in the preamble that separate mechanisms are available for monitoring and enforcing state statutes. John Landsverk noted that the state of Washington unquestionably has the authority to enforce its own statutes, although they may not choose to exercise this authority. Jeanine Long noted that these are legislative issues. Tim Farris argued that they had not been able to rely on the legislature to enforce important child welfare principles in the past, and urged the Panel to incorporate statutes into the professional standards. Jeanine Long noted that many statutes are covered by the outcomes and benchmarks in the Implementation Plan.

Bill Grimm noted that some standards in COA's 8th edition seem to be weaker than the 7th edition, and he encouraged the Panel to adopt the strongest standards available.

The parties agreed to provide initial written comment on the document by October 17, and final responses by October 30.

Changes to the Implementation Plan

John Landsverk noted that the Panel will need to consider making changes to the Implementation Plan. The Panel intends to provide a draft of changes in advance of the public meeting on December 12 for discussion at that meeting.

John noted that the Panel will consider several types of changes: additions (new actions steps or benchmarks to assess ongoing implementation of policy or to address concerns about low penetration rates of earlier action steps), consolidation of action steps, changes to benchmarks based on unavailability of data, changes to benchmarks based on baseline performance, changes to baselines based on timeframes for availability of data, and other edits.

A representative of Pierce RSN raised a concern about the potential of losing the forest for the trees due to the large number of action steps and measures. He noted that issues related to resources and challenges of collecting data need to be raised.

John Landsverk noted that the Panel is mindful of the costs of collecting data. He indicated that the Panel has had many opportunities to advocate for funding for CA, but has generally declined.

Tim Farris indicated that, even if the Panel does not feel that direct advocacy for funding is part of its role, it should call on the Department to come forward with specific details of what funding would be needed to fully implement the requirements of Braam. He noted that plaintiffs would advocate for CA's budgetary needs, but that additional information is needed.

A representative of a private child-placing agency commented that there are new demands on the system without new funding, and that these requirements are being passed along to providers with no rate increases. He stated that it is important to understand what resources are required to provide quality services. A parent representing Washington Families United commented that the state is providing very little in the way of reunification services to help children return home.

Steve Hassett commented that the Department's position had been misrepresented. He noted that CA had provided details of its budget request to the plaintiffs and the public. The Department has requested increases in the number of social workers, funding for foster parent training and support, funding to implement monthly visits, and significant resources in a number of other areas. Tim Farris stated that these requests do not cover all action steps. Steve Hassett commented that the Department's request had to be reasonable if it was to have a chance of being funded.

John Landsverk questioned whether the challenges of changing the system are really about money, and reiterated that the Panel does not see advocating for funding as its function. Tim reiterated that plaintiffs need more information with respect to funding in order to understand the costs of Braam requirements and advocate for funding. Casey Trupin commented that the Department's budget materials do not highlight what portion of the request is for Braam activities. Jan McCarthy and Jeanine Long suggested that the parties sit down together to review the budget document, so that plaintiffs will have a better understanding of the Department's request.

The meeting adjourned at 4pm.